



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

JUL - 2 1999

6547 '99 JUL -6 P1:41

The Honorable Steven R. Rothman  
House of Representatives  
Washington, D.C. 20515-3009

Dear Mr. Rothman:

Thank you for your letter of May 21, 1999, on behalf of your constituent, Mr. Paul Meyer, concerning actions by the Food and Drug Administration (FDA or the Agency) in regard to labeling of foods treated with ionizing radiation.

The 1997 FDA Modernization Act (PL 105-115) states that "[n]o provision . . . shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients . . . ." FDA published a final rule implementing this provision of the law in the Federal Register of August 17, 1998. A copy of this regulation, along with the pre-existing labeling requirements for food treated with ionizing radiation (21 CFR 179), are enclosed for your information.

In addition, the Statement of Managers accompanying the FDA Modernization Act directed FDA to publish for public comment further proposed changes to the Agency's current labeling regulations. The managers stated their intention that any required labeling be of a type and character such that it would not be perceived to be a warning or give rise to inappropriate consumer anxiety. On February 17, 1999, FDA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register soliciting public comment on whether additional revisions to the current irradiation labeling requirements are needed and, if so, what form such revisions might take. The deadline for comments in response to the ANPR has been extended to July 19, 1999.

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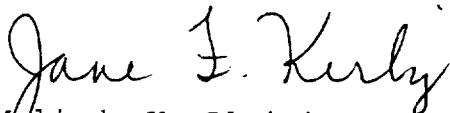
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We have forwarded your correspondence to the Docket for inclusion in the record. FDA's final approach to labeling of irradiated foods will take into account all of the data and information received.

Because your constituent may be concerned about irradiation labeling for meat and poultry, you may also wish to contact the United States Department of Agriculture (USDA) for information. (USDA has primary regulatory authority over meat and poultry products, including the labeling of such products.)

We have also enclosed some general background on the issue of irradiation. We trust this responds to your concerns. If we may be of further assistance, please contact us again.

Sincerely,

  
for Melinda K. Plaisier  
Interim Associate Commissioner  
for Legislative Affairs

Enclosures

cc: Dockets Management Branch  
(98N-1038)

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**Congress of the United States**  
**House of Representatives**  
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May 21, 1999

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Ms. Diane Thompson, Associate Commissioner For Legislative Affairs  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

Dear Ms. Thompson:

I am contacting you on behalf of my constituent, Mr. Paul Meyer. Mr. Meyer wrote to me regarding Docket # 98N-1038, "Irradiation in the production, processing, and handling of food." He firmly believes that food products need to be labeled if they have been irradiated and strongly feels that alternative terms such as "cold pasteurization" and "electronic pasteurization" are misleading. Additionally, Mr. Meyer is concerned that consumers are not told that irradiation destroys vitamins and causes sensory and spoilage qualities. I would appreciate a response to Mr. Meyer's concerns.

Thank you for your attention to this matter.

Sincerely,



Steven R. Rothman  
Member of Congress

SRR:jjw

No. 99-3877